

STATE OF WASHINGTON

BEFORE THE PUBLIC EMPLOYMENT RELATIONS COMMISSION

In the matter of the petition of:)
TEAMSTERS UNION, LOCAL 763) CASE 11004-E-94-1818
Involving certain employees of:) DECISION 4690 - PECB
CITY OF ARLINGTON) DIRECTION OF ELECTION
_____)

John Komar, Business Representative, appeared on behalf of the Petitioner.

Thomas Myers, City Administrator, appeared on behalf of the Employer.

On March 7 1994, Teamsters Union, Local 763 filed a petition for investigation of a question concerning representation with the Public Employment Relations Commission, seeking certification as exclusive bargaining representative of certain employees of the City of Arlington. A prehearing conference was conducted, by telephone, on April 11, 1994. During the course of the prehearing conference, the parties stipulated that an appropriate bargaining unit can be described as:

All full-time and regular part-time police officers of the City of Arlington, excluding sergeants, confidential employees, and all other employees of the employer

The parties also stipulated to an eligibility list. The parties were unable to agree about the method of determining the question concerning representation. A statement of results of the prehearing conference was issued, and neither party submitted proposed amendments to that statement.

DISCUSSION

The Public Employees' Collective Bargaining Act, Chapter 41.56 RCW, specifies that the Commission is responsible for election arrangements. In the instant case, the parties' sole disagreement concerns the method by which an election is to be conducted. They do not disagree over any substantive issue concerning the bargaining unit composition or the eligibility list.

The Commission has conducted numerous elections by mail ballots, with satisfactory results. In the Commission's experience, mail ballot elections generally draw substantial voter turnout. Where voters are scattered over a wide area or work split shifts, it is much more efficient to send the ballots to the eligible voters than to expect them to come during off-duty time to the place where an on-site election is to be conducted. Of very practical concern during a time when the Commission has limited resources and is working under legislatively-imposed restrictions on state employee travel, mail balloting often permits the determination of representation proceedings in a more timely manner than an on-site election.

The Commission's mail balloting procedure is designed with safeguards against improper activity. Security for the balloting procedure is inherently provided by federal law, which makes it a felony to tamper with the U.S. Mail. Just as in an on-site election, the Commission will hear objections based on alleged misconduct, and may set aside the election result.

In this case, the employer's facility (and service area) are at a distance from the Commission's offices, requiring substantial travel expense to conduct an election involving only seven employees. The circumstances are of the type where mail balloting is commonly used under current Commission practice.

DIRECTION OF ELECTION

1. An election shall be conducted, under the direction of the Public Employment Relations Commission in the appropriate bargaining unit described as:

All full-time and regular part-time police officers of the City of Arlington, excluding sergeants, confidential employees, and all other employees of the employer

to determine whether a majority of the employees in that bargaining unit desire to be represented for purposes of collective bargaining by Teamsters Union, Local 763.

2. The election shall be conducted by mail ballot.
3. The employer is directed to provide the Commission with the eligible employees' home mailing addresses on or before May 5, 1994.

ISSUED at Olympia, Washington, this 27th day of April, 1994.

PUBLIC EMPLOYMENT RELATIONS COMMISSION


MARVIN L. SCHURKE, Executive Director

This order may be appealed by filing timely objections with the Commission pursuant to WAC 391-25-590.